

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

HIROS DAWOOD,	)	
	)	Case No. 15 C 6160
Plaintiff,	)	
	)	
v.	)	
	)	
CHICAGO CARRIAGE CAB CORP.,	)	
an Illinois Corporation; and	)	
ZHILONG ZHANG;	)	
	)	
Defendants.	)	JURY TRIAL DEMANDED

**COMPLAINT**

**INTRODUCTION**

1. Plaintiff Hiros Dawood brings this action to secure monetary redress for personal injury in a “Hit & Run” caused by Chicago Carriage Cab Corp.’s cabs driver Zhilong Zhang.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different States.

3. Venue and personal jurisdiction in this District is proper as Defendants’ conduct complained of occurred within the District.

4. Defendant Chicago Carriage’s principal place of business is located within the District and Defendant Zhang operated the subject cab within the city of Chicago.

**PARTIES**

5. Plaintiff Hiros Dawood is citizen of the State of Michigan who resides in Kent County, Michigan.

6. Defendant Chicago Carriage Cab Corp, is an Illinois Corporation with its principle place of business in Chicago Illinois. Service of process can be made on its registered agent in Illinois, Edward Sheinin, 2617 S. Wabash Ave., Chicago, IL 60616.

7. Chicago Carriage is a taxicab company with a fleet of more than 800 taxis that provides transportation in Chicago, Illinois.

8. Zhang is a citizen of the State of Illinois, residing in Chicago, Illinois.

### **FACTS**

9. Chicago Carriage exercises control over Zhang's working conditions and can prevent him from working on a temporary or permanent basis.

10. Zhang, when working for Chicago Carriage, is not engaged in an independently established trade, occupation, profession, or business.

11. Instead Zhang is entirely dependent upon Chicago Carriage to be able to drive a taxicab in Chicago as because without a "medallion" Zhang is prohibited from operating a taxicab in Chicago.

12. Under Chicago, Ill. Mun. Code § 9-112-010 "'Medallion' means the metal plate, furnished by the commissioner, for display on the outside hood of a taxi cab, as the physical representation of a license to operate as a taxicab.

13. Chicago, Ill. Mun. Code § 9-112-240 requires all licensees to pay each judgment or award for loss or damage in the operation or use of a public passenger vehicle rendered against the licensee.

14. Chicago, Ill. Mun. Code § 9-112-220 requires licensees to carry a minimum of \$350,000 in liability insurance.

15. On October 13, 2013, Zhang was operating a 2012 Ford Escape owned by Defendant Chicago Carriage Cab Corp.

16. Zhang was making a turn when he struck Plaintiff who was a pedestrian and was lawfully within a pedestrian crosswalk.

17. The accident occurred on or around N. Clark Street in Chicago, Illinois.

18. Zhang fled the location of the collision, a "Hit & Run."

19. After the collision Plaintiff was treated at Northwestern Memorial Healthcare where he was diagnosed with a closed fracture of the 5<sup>th</sup> metacarpal.

20. Plaintiff was later placed in a cast for more than one month.

21. Plaintiff has undergone additional treatment that includes a compression glove, splint and injection all without providing significant relief.

22. Plaintiff has been plagued by swelling, clicking, and the inability to rotate or push down his right hand without aggravating the pain.

23. Surgery was attempted to correct the malunion and posttraumatic arthritis on the right 5<sup>th</sup> carpometacarpal joint, but it does not appear to have been successful.

24. Plaintiff is right handed and the injury has caused him not to be able to remain his employment as a machine operator in which he was making over \$29,000 a year.

25. Although Plaintiff was able to later find work in a different field of employment he had to stop working as operating a mouse attached to the computer aggravated his pain.

26. Plaintiff has incurred medial bills.

27. Plaintiff has suffered wage loss.

28. Plaintiff has lost the ability to participate in hobbies that he previously enjoyed.

29. Plaintiff has incurred pain and numbness after the accident, through his treatments, and continues to have pain, and appears that he will suffer from significant arthritic changes in the future.

#### **COUNT I - NEGLIGENCE**

30. Plaintiff incorporates paragraphs 1-29 herein.

31. As a pedestrian in the crosswalk, Plaintiff had the right-of-way and was in an area where he had a right of safety and refuge from motor vehicles.

32. Zhang owed Plaintiff a duty and breached on or more of the following duties:

- a. to yield to Plaintiff's right of way;
- b. to stop within an assured, clear distance ahead;
- c. to operate his motor vehicle in a manner and at a rate of speed which would permit him to stop within a safe distance;
- d. to keep his vehicle under constant control;
- e. to otherwise operate his vehicle in a careful and prudent way and to watch out for Plaintiff's safety;

33. Zhang committed one or more of the following acts of negligence which was the proximate cause of Plaintiff's injuries:

- a. Carelessly and negligently failed to stop the motor vehicle to avoid striking a pedestrian in a marked crosswalk in violation of 625 ILCS 5/11-1002;
- b. Carelessly and negligently operated a motor vehicle without keeping a proper and sufficient lookout for pedestrians crossing the street;
- c. Carelessly and negligently failed to yield the right-of-way to a pedestrian in a marked crosswalk in violation of 625 ILCS 5/11-1002

34. Chicago Carriage is liable for Zhang's conduct complained of.

WHERFORE, Plaintiff respectfully requests this Honorable Court to enter judgment against Defendants in excess of \$75,000 along with the costs of suit.

Respectfully submitted,

s/ Curtis C. Warner  
Curtis C. Warner

Curtis C. Warner  
Warner Law Firm, LLC  
350 S. Northwest HWY, Ste. 300  
Park Ridge, IL 60068  
(847) 701-5290 (TEL)  
cwarner@warnerlawllc.com

Teresa M. Hendricks (P46500 Michigan)  
Application for *Pro Hac Vice* to be submitted  
Hendricks & Watkins PLC  
1115 Taylor, Suite 110  
Grand Rapids, MI 49503  
(616) 956-1900

*Counsel for Plaintiff*

**JURY DEMAND**

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

s/ Curtis C. Warner  
Curtis C. Warner

Curtis C. Warner  
Warner Law Firm, LLC  
350 S. Northwest HWY, Ste. 300  
Park Ridge, IL 60068  
(847) 701-5290 (TEL)  
cwarner@warnerlawllc.com

**NOTICE OF LIEN**

Plaintiff's counsel hereby places Defendants and their insurers on notice that Plaintiff's counsel above takes an attorney's lien on 1/3 the amount of any judgment or settlement.

Respectfully submitted,

s/ Curtis C. Warner  
Curtis C. Warner

Curtis C. Warner  
Warner Law Firm, LLC  
350 S. Northwest HWY, Ste. 300  
Park Ridge, IL 60068  
(847) 701-5290 (TEL)  
cwarner@warnerlawllc.com